



July 11, 2023

VIA Broadcasting Intervention Form

Mr. Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission Ottawa, Ontario
K1A 0N2

Dear Mr. Doucet,

Subject: Intervention of the Racial Equity Media Collective - Broadcasting Notice of Consultation CRTC 2023-138

1. This submission is the intervention of the Racial Equity Media Collective (REMC) in relation to Broadcasting Notice of Consultation CRTC 2023-138 (BNC 2023-138 or the Notice), issued by the Canadian Radio-television and Telecommunications Commission (CRTC or Commission) on May 12th, 2023.
2. The Racial Equity Media Collective (REMC) is a national not-for-profit organization committed to equity for Black, Indigenous, and People of Colour (BIPOC) creators in Canada's film, television, and digital media industries. Fueled by research and rooted in community engagement, the REMC's mission is to remove barriers to access and increase the production, export and sustainability of BIPOC content and BIPOC-led production companies.
3. The REMC notes its deference to the advocacy efforts of the Indigenous Screen Office (ISO) in matters relating specifically to First Nations, Métis, and Inuit peoples of Canada. Our interventions are complementary to any provided by the ISO, and primarily address BIPOC creators. In addition, the REMC notes the unique needs of Francophone BIPOC creators, and acknowledges the efforts of Coalition M·É·D·I·A· in advocating for this community.
4. The REMC welcomes the opportunity to comment on the regulatory framework regarding contributions to support Canadian and Indigenous content. At this time, the REMC takes no position on matters in the Notice which we do not address herein but reserves the right to respond to the comments of other parties on those or other matters should such comments impact on or have the potential to impact on BIPOC creators.
5. This proceeding invites responses to 39 questions with respect to contributions that broadcasting undertakings may be required to make to support the creation, distribution, promotion and discoverability of Canadian and Indigenous audio and video content, and other related matters. Given the breadth of these questions, the REMC has chosen to respond to only those most pertinent to our mandate, and only with

respect to video content. Further to the above note on First Nations, Métis, and Inuit communities, the REMC defers to the ISO on all questions pertaining specifically to Indigenous broadcasting. Accordingly, the following submission provides the REMC's comments in response to particular questions, as identified.

Executive Summary

- A. The REMC supports increasing the amount of funding allocated to existing programs targeting under-represented communities. The REMC also urges that general-purpose funds be mandated to reflect the diversity of Canada by, at minimum, committing to reflect the demographics of the regions in which they operate.
- B. In evaluating funding applications, the REMC urges priority consideration for the racial demographics of the copyright owner and key creative team. We also endorse the principle that projects concerning Equity-Seeking communities be made by individuals who are well-positioned to tell the story.
- C. The REMC urges that the CTRC mandate equivalent eligibility of both international co-productions and co-ventures for all present and future Certified Independent Production Funds (CIPFs).
- D. The REMC urges the creation of a bilingual feature film production fund targeted at both English and French-speaking BPOC creators and BPOC-owned production companies.
- E. The REMC urges the creation of a fund to support the distribution and promotion of content by BPOC creators.
- F. The REMC endorses the use of requirements and incentives to support the creation of video content by racialized and underrepresented groups. Both traditional and online undertakings should commit themselves to reflecting the diversity of Canada, and population statistics can serve as initial baselines against which to set content requirements and incentives.
- G. The REMC supports the imposition of demographic reporting requirements (including race-based data) on all traditional and online video-based broadcasting undertakings as an invaluable step towards harmonizing data collection practices across the country.

Digital Media Broadcasting Undertakings

Q12. *How can production funds better support Canada's diversity, inclusion, and accessibility, as they relate to representation in programming, creators, or a combination of both? Should contributions or a portion of the contributions be directed towards the funds specifically dedicated to supporting diversity, inclusion, and accessibility in the broadcasting system? If yes, which organizations and funds? Should new funds be created? In addition, please comment on the selection process, eligibility criteria, and reporting requirements that would be necessary to support this objective.*

- 6. Most simply, production funds can better support the goals of diversity, inclusion, and accessibility by substantially increasing the amount of funding allocated to existing programs targeted at racialized communities. These programs include:

- those administered by the Canada Media Fund (CMF): the Pilot Program for Racialized Communities (PPRC), and the Pilot Program for Racialized Communities: Development;
 - Telefilm Canada’s Development Stream for Black and People of Colour; and
 - the Canadian Independent Screen Fund for BPOC Creators (CISF).
7. At present, these programs are critically oversubscribed. Contributions from traditional and online undertakings should be directed towards these programs to ensure more sustainable access to funding for racialized and underrepresented creators. We note that the CISF is currently the only Canadian independent fund that is governed, managed, and operated by members of the BPOC communities that it serves. It is therefore particularly well-positioned to provide accountability to its target communities, and should be prioritized for additional contributions.
 8. Production funds can also better support the CRTC’s diversity and inclusion mandate by committing to support projects by racialized and under-represented creators, even where the funds have not been specifically established for this purpose. As a general principle, funds that have been established to support Canadian creators should commit themselves to reflecting the diversity of Canada. As such, all existing and future funds certified by the CRTC should commit to diversity targets that are, at minimum, reflective of the demographics of the regions in which they operate.
 9. While the REMC recognizes the need for flexibility in the selection processes and eligibility criteria for funds mandated for contributions by the CRTC, we endorse the following as key factors in meaningfully expanding diversity and inclusion in accordance with the CRTC’s stated objectives:
 - beyond the subject matter and on-screen participation in a given work, projects whose underlying rights are **majority-owned** by racialized persons should be prioritized;
 - beyond the subject matter and on-screen participation in a given work, projects whose **key creatives** (i.e. producers, directors, writers) are primarily racialized persons should be prioritized;
 - general adoption of the CMF’s policy on **narrative positioning**, which states that “projects with key storylines, main characters, or subject matter related to Sovereignty- and Equity-Seeking Communities should only be made by individuals who are well-positioned to tell the story;”¹

¹ Under the CMF’s policy on narrative positioning, “well positioned” is defined to mean:

- being a member of the applicable Sovereignty- or Equity-Seeking Community(ies) connected to the project; or
- demonstrating comprehensive measures that have and will be undertaken to create the content responsibly, thoughtfully and without harm.

10. Supplementary to the above, the REMC notes that access to production funds is currently generally contingent on projects being either wholly Canadian-owned or certified as official treaty co-productions. While, at present, Canada is party to 57 international co-production treaties, relatively few treaties exist between Canada and countries in the Global South, particularly in the regions of Africa, Central America, and the Caribbean. The lack of such treaties poses a challenge to racialized creators in Canada wishing to tell stories that engage authentically with the diasporic dynamics that characterise many BPOC communities, and to tap into the significant global audiences that exist for so-called “third language” content.
11. Production funds can therefore better support diversity and inclusion by expanding their eligibility to encompass projects that qualify as international co-ventures in accordance with the definition set out in the CRTC’s Canadian Program Certification Guide.² Although the CRTC amended the CIPF criteria in 2016 to expressly allow funds to support international co-ventures, we note that many such funds do not presently include co-ventures within their eligibility requirements. We urge the CTRC to mandate equivalent eligibility of both international co-productions and co-ventures for all present and future CIPFs.
12. We will address the creation of new funds in response to Question 14, below.

Q14. *Are there new funds that should be created? If so, what entities should be required to contribute to such a fund? Who should administer and be responsible for the fund?*

13. With respect to racialized communities, the CMF currently administers two funding streams that support the development and production of television and digital media content under its Pilot Programs for Racialized Communities. With respect to dramatic feature film content, Telefilm administers a Stream for Black and People of Colour under its development program. Via its Rogers-BSO development Fund, the CISF supports the development of dramatic episodic content and episodic and one-off documentary content. The REMC notes that none of these targeted funds specifically support the *production* (as distinct from development) of dramatic feature film content by BPOC creators and BPOC-owned companies. We urge the creation of bilingual funding programs to address this gap, targeted at both English and French-speaking BPOC creators.
14. Regarding the entities that should be required to contribute to such a fund, as Canadians have increasingly turned to mainstream on-demand platforms (e.g. Amazon Prime Video, Crave, Disney+, Netflix, Paramount+, etc.) as access points for feature film content, such online undertakings would make natural and appropriate contributors

The policy holds that the further removed a content creator is from the applicable Sovereignty- or Equity-Seeking Community(ies), the more comprehensive the measures they must demonstrate. Retrieved from: <https://cmf-fmc.ca/narrative-positioning/>

² Canadian Radio-television and Telecommunications Commission. (2023) Canadian Program Certification Guide. Retrieved from: <https://crtc.gc.ca/canrec/eng/guide1.htm#4.3.5>

to a BPOC-targeted feature film production fund. Given the presence of some smaller specialty undertakings in the market, our proposal presupposes that only undertakings that surpass the CRTC's as-yet-to-be-determined threshold for contributions (the subject of the ongoing CRTC Consultation 2023-140) would be required to support any new BPOC-targeted production fund.

15. With regard to the administration of such a fund, Telefilm Canada would be a natural partner in light of its extensive experience in administering funding for feature film content, including its existing development Stream for Black and People of Colour. However, because Telefilm does not traditionally redistribute funds contributed by private entities, it may not be properly suited to this purpose. Should Telefilm not be suitable for this purpose, then the CISF could serve as a viable alternative.
16. Additional to the above, the REMC notes that no targeted funds currently exist to support the distribution and promotion of works by racialized creators. One tool at the CRTC's disposal to foster this aim is to impose requirements that broadcasting undertakings distribute and promote content by equity-deserving communities, as addressed in Question 39 of this consultation. However, in the present consultation notice, the CRTC also observes that such requirements "are less effective in an on-demand/online context." In light of this limitation, the REMC proposes the creation of a fund to support the distribution and promotion of work by racialized and equity-deserving creators.
17. We propose that all traditional and online undertakings surpassing the CRTC's contribution threshold would contribute to this fund. While the CMFs does not traditionally administer funds for distribution and promotion, it is likely best positioned to administer a newly created fund of this nature. Should the CMF not be suitable, the CISF may again serve as a viable alternative.

Diversity and Inclusion

Q33. *Should the Commission consider requirements, incentives, or both to best ensure that audio and video content is created by diverse and inclusive groups currently under-represented in the Canadian broadcasting system? Are there different considerations for traditional versus online undertakings? Audio versus video content or services?*

18. The REMC endorses the use of both requirements and incentives to best support the creation of video content by racialized and underrepresented groups. Formulating and implementing such tools will help to ensure gaps are addressed, policies are transformed into concrete actions, and that organizations are held accountable to their promises.
19. As we have seen in the context of gender parity commitments, requirements and incentives have proven to be effective tools in ameliorating conditions of underrepresentation in the Canadian screen sector. For example, in 2018, Canadian broadcasters publicly pledged to achieve gender parity in key creative positions as part of the CRTC Women in Production Summit. Since the Summit, broadcasters have

successfully increased the number of women playing leading roles in the Canadian film and television production industry, demonstrating progress towards achieving their goal.³

20. For a forthcoming report to be released this autumn, the REMC conducted interviews with over 40 provincial, national, and international stakeholders on the topic of requirements and targets. Respondents were broadly favourable towards imposing targets, noting that setting targets can challenge individual behaviours, question ongoing hiring or commissioning practices, and encourage people to hire or commission outside of their usual roster, disrupting the network-based relationships that often guide career development and programming decisions in Canada's screen sector. Despite the general support for targets and quotas, however, respondents felt that more robust collection of demographic data is required before precise levels can be set. At this juncture, the industry can at least establish key principles that will serve as guidelines to inform target and quota-setting.
 21. As with funds certified by the CRTC, the REMC's position is that, as a general principle, both traditional and online undertakings should commit themselves to reflecting the diversity of Canada. At minimum, all mainstream (e.g. Amazon Prime Video, CBC, Crave, CTV, Disney+, Global, Netflix, Paramount+ etc.) undertakings should reflect the communities they serve, and population statistics can serve as baselines against which to set content requirements and incentives.⁴ The REMC notes that it may not be suitable to impose requirements on specialist undertakings that serve niche viewerships, though, at present, we take no specific position on how the relevant thresholds for imposition might be determined.
 22. In this submission, the REMC takes no position on matters relating solely to audio content.
- Q34. *Would reporting requirements, whether on content or key creative positions, be considered an efficient tool to incentivize increased diversity and inclusion in programming? If yes, how could this apply to audio and video content or services? To news and sports programs?***
23. In 2020, the REMC commissioned an audit of the Canadian film and television industry.⁵ The project aimed to understand which organizations were collecting and

³ Canadian Radio-television and Telecommunications Commission. (2023). Gender Parity in Canada's Film and Television Production Industry. Retrieved from: <https://crtc.gc.ca/eng/industr/parit.htm>

⁴ Although population metrics represent an entry point to target-setting, they rarely reflect equitable representation in society. Racialized groups have been discriminated against historically, leading to unequitable population distributions in the present day. Raising such groups up to the proportional population level would not address the effects of that systemic discrimination. This concern is especially crucial for Indigenous populations.

⁵ Racial Equity Media Collective. (2021) Evaluating Racial Equity in Canada's Screen Sector. Retrieved: <https://www.re-mc.org/research>

reporting on race-based data, identify barriers to obtaining industry-wide equity data, and provide recommendations for ongoing monitoring of BIPOC representation in the industry. Among the report's core recommendations was the implementation of a national data system that collects data and reports on equity in Canada's screen sector. The rationale for developing a national data system include that data collection will develop a baseline for measuring progress, help spur action, streamline industry processes, centralize leadership, and support development of other equity initiatives.

24. The REMC supports the CRTC imposing demographic reporting requirements, including race-based data, on all traditional and online video-based broadcasting undertakings as an invaluable step towards harmonizing data collection practices across the country and furthering the eventual adoption of a national data collection system. Even divorced from that greater long-term objective, the CRTC's imposition of demographic reporting requirements would facilitate the efficient and targeted implementation of requirements and incentives, and foster greater accountability in assessing progress towards increased diversity and inclusion.
25. To the greatest extent practical, the REMC recommends that data reporting be undertaken in a manner that can be harmonized with data collected by the CMF under its PERSONA-ID tool. The CMF is the largest funding body of the Canadian television and digital media industries, and PERSONA-ID has already garnered significant buy-in across the broadcasting sector. PERSONA-ID also founded on self-identification, which is increasingly considered a best practice in the realm of demographic data collection. The specific datapoints collected under the PERSONA-ID program are published in the CMF's Persona ID 2023-2024 questionnaire.⁶ At minimum, broadcast undertakings should be required to report on the racial demographics of the key creatives of the productions they carry. With respect to independently produced content, broadcast undertakings should also be required to report on the racial demographics of the involved production companies.
26. The REMC's proposals above concern the production of creative content, whether scripted or unscripted. At the present time, the REMC takes no position on matters relating to news and sports programs.

Q39. *Should the Commission consider requirements, incentives, or both to best ensure that audio and video content created by equity-deserving communities is distributed, promoted and discoverable? Are there different considerations for traditional versus online undertakings?*

27. As noted in response to Question 14, above, the CRTC has expressed some doubt as to the efficacy of distribution and promotion requirements in an on-demand/online context. The CRTC also "recognizes that measuring the value of proposed promotion and discoverability commitments will be challenging, as will be monitoring their

⁶ Canada Media Fund. (2023) PERSONA-ID English Questionnaire 2023-2024. Retrieved: <https://cmf-fmc.ca/document/persona-id-questionnaire/>

success.”

28. The REMC notes the importance of supporting the distribution and promotion of content created by racialized communities, but believes the CRTC’s hesitance regarding requirements may be well-founded, as is its preference to encourage flexibility concerning which tools are best suited to achieve the goals of promotion and discoverability. For this reason, the REMC urges the creation of a new fund dedicated to the distribution and promotion of BPOC content, as expressed in paragraph 15, above. Providing BPOC creators with an opportunity to access dedicated distribution and promotion funding would afford them similar flexibility to harness the promotion and discovery tools that will aid them in reaching their target audiences most effectively.
29. The REMC does not oppose the imposition of requirements or incentives to support the distribution, promotion, and discovery of video content created by equity-deserving communities, but we believe that such requirements may be less effective than the creation of a dedicated fund, and therefore should be a secondary priority.
30. The REMC thanks the Commission for the opportunity to provide these comments.

Sincerely,



Julian Carrington
Managing Director, Racial Equity Media Collective

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